

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
Cleveland, Ohio

-----:
UNITED STATES OF AMERICA

: CASE NO. 1:09 CR419-01

Plaintiff :

-vs-

DELVIN J. SAMUELS

: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF

Defendant : HEARING

-----:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Delvin J. Samuels which was referred to the Magistrate Judge with the consent of the parties.

On 23 September 2009, the government filed a six-count indictment against Delvin J. Samuels for conspiracy, in violation of 18 U.S.C. § 371; false statements to federally insured financial institution, in violation of 18 U.S.C. § 1014 and § 2; uttering and possession counterfeit securities, in violation of 18 U.S.C. § 5134(a) and § 2; and aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). On 29 October 2009, a hearing was held in which Delvin J. Samuels entered a plea of not guilty before Magistrate Judge Greg White. On 16 July 2010, Magistrate Judge McHargh received

Delvin J. Samuels' plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Delvin J. Samuels is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Delvin J. Samuels is adjudged guilty of Counts 1, 2 and 5 in violation of 18 U.S.C. § 317, § 1014, § 2, and § 513(a).

Sentencing will be:

24 August 2010 at 10:30 a.m.

**Courtroom 16-B
16th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

13 August 2010

Lenny Vaca
UNITED STATES DISTRICT JUDGE